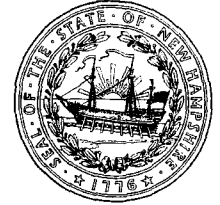




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

March 3, 2005

Mr. Steve Grant
289 Morrill Street
Gilford, New Hampshire 03249

CERTIFIED MAIL (7099 3400 0018 1290 2537)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

RE: Non-Conforming Open Burning

Dear Mr. Grant:

On December 7, 2004, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") was notified by Lee Gardner, a Forest Fire Ranger for the New Hampshire Department of Resources and Economic Development ("DRED"), that an open burning incident had occurred at property owned by you and located at 370 Endicott Street North, Laconia, NH (the "Property"). It was reported that non-conforming material including construction and demolition debris had been burned.

On December 7, 2004, DES personnel telephoned the Laconia Fire Department ("LFD") to obtain additional information regarding the fire. DES personnel learned that you had obtained a permit to burn brush on the Property. However, the LFD reported that when they stopped at the Property later in the morning they observed a burn pile that contained non-conforming material, including charred wafer board and charred laminated beams mixed in with clean wood. Members of the LFD attempted to extinguish the fire, but a verbal altercation caused the LFD to leave the Property at your request. When the LFD left the Property, the burn pile was smoldering. The LFD soon returned to the Property accompanied by a Laconia Police Officer in order to fully extinguish the fire.

On December 8, 2004, DES personnel met with you at the Property and conducted an inspection in order to determine conformance with the N.H. Code of Administrative Rules, Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution* and RSA 125-C and RSA 125-N. During the inspection, DES personnel observed and photographed pieces of charred laminated beams, charred wafer board, and charred plywood mixed in with clean wood in the burn pile on the Property. DES personnel pointed out the non-conforming material observed in the burn pile, and reviewed the rules for open burning with you. As a result of the inspection and information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding open burning, so that you can prevent future violations. The specific violations are as follows:

- Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05(d) allows periodic on-site burning of brush by the landowner and allows the burning of untreated wood from the construction or demolition of a building. The burning of materials other than brush and untreated wood is a violation of Env-A 1000.
- Env-A 1001.03(a) defines "brush" as treetops, limbs, saplings, and tree cuttings that are five inches in diameter or less.
- Env-A 1001.03(k) defines "untreated wood" as any timber, board, or sawn dimensional lumber, which has not been treated, coated, or preserved.

Since the burning of non-conforming materials has ceased, DES believes that no further actions are required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Joseph Ritz at (603) 271-1391, Air Resources Division, Compliance Bureau. A current copy of the Air Resources Division rules can be obtained from the DES web site at <http://www.des.state.nh.us/ard/ardulres/htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enc.: Env-A 1001, *Open Burning*

cc: R. Kurowski, EPA Region 1
G. Hamel, Legal Unit Administrator
L. Gardner, DRED
Lt. T. Woods, Laconia Fire Dept.
E. Cabanel, Laconia City Manager
AFS #3300197777